

FILED
U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
OCT -3 P 1:39
DISTRICT OF UTAH**ICON HEALTH & FITNESS, INC.**, a
Delaware corporation

Plaintiff,

v.

POLAR ELECTRO OY, a Finnish
company, and **POLAR ELECTRO INC.**, a
Delaware corporation,

Defendants.

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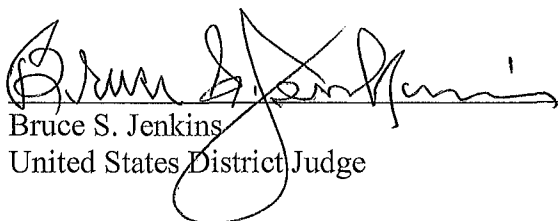
**NOTICE REGARDING CLAIM
CONSTRUCTION**

Case No. 1:11-CV-00167-BSJ

District Judge Bruce S. Jenkins

The parties' proposed claim constructions came before the court for oral argument on January 10, 2014. In light of *Nautilus, Inc. v. Biosig Instruments, Inc.*, 134 S.Ct. 2120 (2014), the matter was reargued on August 21, 2014. In both instances, Adam B. Beckstrom and Jared J. Braithwaite appeared on behalf of Plaintiff and John P. Moran appeared on behalf of Defendants.

Having considered the parties' briefs and the arguments of counsel, the court finds it is unable to construe purported claims without the assistance of those skilled in the art. As such, it is desirable for each party to designate their "expert" skilled in the art and to provide opportunities for deposition. Parties should designate any such expert within twenty (20) days, and parties should complete discovery of expert testimony by December 31, 2014. Thereafter, the court will set the matter down for evidentiary hearing to hear from the experts.

DATED this 3rd day of October, 2014.

 Bruce S. Jenkins
 United States District Judge